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AN ACT CONCERNING A DEPARTMENT OF CORRECTION ADVISORY
COMMISSION HB 6533

AN ACT CONCERNING THE REPORTING OF INMATE POPULATION DENSITY
AND CORRECTIONAL FACILITY SPECIFIC DATA HB 6685

Honorable Chairman, Senators, and Representatives, my name is David McGuire. I am a staff attorney at the American Civil Liberties Union of Connecticut and I urge you to vote in favor of House Bill 6533, AN ACT CONCERNING A DEPARTMENT OF CORRECTION ADVISORY COMMISSION and House Bill 6685, AN ACT CONCERNING THE REPORTING OF INMATE POPULATION DENSITY AND CORRECTIONAL FACILITY SPECIFIC DATA. Both of these bills address Connecticut's overcrowded jails and prisons by adding oversight and transparency.

As the ACLU-CT attorney charged with monitoring the constitutionality of prison living conditions, I can personally attest to the magnitude of the dangerous and unhealthy conditions stemming from the overcrowded conditions in Department of Correction ("DOC") facilities. During the past two years, our office has interviewed over two hundred inmates in Connecticut. Over half of the letters we receive are from inmates in DOC facilities reporting a number of deprivations created by overcrowding. We are especially concerned because the rate of letters is increasing and the severity of the conditions is worsening.

The Eighth Amendment to the U.S. Constitution requires that prisoners receive humane treatment including but not limited to adequate food, clothing, shelter, and medical care. Over twenty-five years ago, the Second Circuit Court of Appeals ruled that the overcrowded conditions in the Hartford Community Corrections Center violated the constitutional rights of both pre-trial detainees and sentenced inmates. The conditions at that time included double-bunking, overcrowded day rooms, and inmates sleeping on floors which led to heightened security concerns. We are currently receiving reports of conditions that are much worse than those litigated in the past. Without action, the state of Connecticut is likely exposing itself to costly liability.

The DOC often argues that inmates are being housed in "overflow areas" on "temporary beds." "Temporary beds" or "boats" as inmates call them are plastic beds that sit just inches off the floor. Further, the "boats" are often in close proximity to each other, in some cases as close as six inches apart. "Overflow areas" are not areas designed for the housing of inmates as the designation might suggest. Numerous inmates have reported that they (and hundreds of inmates) are being housed in non-housing "overflow" areas, including gymnasiums, hallways, dayrooms, visitation rooms and chow halls. There are

reports that these conditions are not temporary. In fact, in some facilities permanent lockers have been bolted to the walls in hallways where inmates are housed. Without action costly lawsuits are likely.

We support House Bill 6533, AN ACT CONCERNING A DEPARTMENT OF CORRECTION ADVISORY COMMISSION. The creation of a DOC advisory commission is essential to provide independent review of DOC policies and practices. The proposed advisory commission is promising because of the proposed members and scope of the commission's mandate. The proposed membership includes eight public members including two ex-offenders, two family members of current or ex-offenders and two community advocates. This presents an excellent opportunity and a formal setting for the DOC to interact with the public and understand its concerns. Additionally, the commission will work on important topics including the safety of prisoners, staff, and the public. It will also address overall prison conditions, health, and nutrition.

A number of inmates report increased tension and violence. This is due to the close quarters, lack of personal space, lack of correctional officer supervision, and overtaxed bathroom facilities. Increase in theft due to a lack of locked storage space has led to increased levels of tension and violence. The increased number of inmates makes it difficult for corrections officers to maintain security and safety. The DOC should not wait until these conditions foster riots before remedying the situation. Presently, it is difficult for the public to gauge the level of overcrowding and the increase in violence due to a lack of transparency. The ACLU-CT supports House Bill 6685, AN ACT CONCERNING THE REPORTING OF INMATE POPULATION DENSITY because it will require the DOC to report disciplinary reports, inmate assaults, and workers' compensation claims for each prison during each calendar quarter. The reporting of more detailed prison violence statistics will allow the public and legislators to monitor the safety of inmates and custodial staff. This bill will also require the DOC to report quarterly data on the average number of inmates, the average number of permanent beds, and the average inmate population density at each facility. The availability of more detailed and current inmate population data will allow the public and legislators to see if overcrowding is under control. Last, but possibly most important, if any of the inmate violence or population statistics increase by more than five percent from the preceding calendar quarter or from the same calendar quarter for the preceding fiscal year, the Commissioner of Correction is required to explain the increase and describe the measures to be taken to address the increase. This is vital because it mandates DOC accountability to the public and the legislature.

These dangerous and unhealthy conditions in DOC facilities are inhumane. These conditions violate the DOC's own Mission Statement to "provide safe, secure, and humane supervision of offenders" and is inapposite to the U.S. Constitution. Overcrowding causes violence and tension, and dilutes the availability and quality of constitutionally required protections and conditions. The cumulative effect of overcrowding at DOC facilities is to deny inmates and pre-trial detainees an environment fit for human habitation, and make the state vulnerable to costly lawsuits. Although these bills are not the answer to overcrowding, they go a long way to increase public

awareness, create accountability, and open a dialog to resolve prison and jail overcrowding. Please vote in favor of House Bill 6533, AN ACT CONCERNING A DEPARTMENT OF CORRECTION ADVISORY COMMISSION and House Bill 6685, AN ACT CONCERNING THE REPORTING OF INMATE POPULATION DENSITY AND CORRECTIONAL FACILITY SPECIFIC DATA.

I welcome your questions regarding the problems we have seen related to prison overcrowding and how this body can continue to mitigate them.

